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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,444	04/14/2005	Domenico Stigliani	P70537US0	6192
136	7590	10/16/2008	EXAMINER	
JACOBSON HOLMAN PLLC			HENNING, MATTHEW T	
400 SEVENTH STREET N.W.				
SUITE 600			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20004			2431	
			MAIL DATE	DELIVERY MODE
			10/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/531,444	STIGLIANI ET AL.	
	Examiner	Art Unit	
	MATTHEW T. HENNING	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 April 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-14 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 14 April 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>7/18/2005</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

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1 This action is in response to the communication filed on 4/14/2005.

DETAILED ACTION

3 Claims 1-14 have been examined.

Title

5 The title of the invention is acceptable.

Information Disclosure Statement

7 The information disclosure statement(s) (IDS) submitted on 7/18/2005 is in compliance
8 with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information
9 disclosure statements.

Drawings

11 The drawings filed on 4/14/2005 are acceptable for examination proceedings.

Specification

13 The following guidelines illustrate the preferred layout for the specification of a utility
14 application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.

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(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A “Sequence Listing” is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence Listing” is not submitted as an electronic document on compact disc).

Appropriate correction is required.

Claim Objections

For the applicant's future reference: A series of singular dependent claims is permissible
such a dependent claim refers to a preceding claim which, in turn, refers to another preceding

A claim which depends from a dependent claim should not be separated by any claim does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence cannot be changed. See MPEP § 608.01(n).

Claims 1-14 are objected to because of the following informalities:

The claims are generally narrative and indefinite, failing to conform with current U.S.

practice. They appear to be a literal translation into English from a foreign document and are

replete with grammatical and idiomatic errors. Below is a list of examples of grammatical issues found in the claims. This list is not exhaustive and as such the applicant should carefully review the claims, removing all grammatical and idiomatic errors from the claims.

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1 Claims 1-14 recite “Method for”, “System for”, and “Device for”. The claims should
2 recite “A method for”, “A system for”, “A device for”, “The method for” etc.

3 Claims 1, 4, 5, 6, 8, and 9 recite “a coding”, “a decoding”, “the decoding”, or “the
4 coding”. The examiner notes that this is not grammatically correct, as "coding" and "decoding"
5 are not nouns, they are verbs, and as such should be used in the proper grammatical manner.

6 Claim 1 recites “verifying and signaling the fact of having or not having received a
7 message previously with the same univocal message identifier associated,” which is awkwardly
8 worded.

9 Claim 7 recites “in which **encryption and decryption** are the type with public/private
10 key”, which lacks antecedent basis in the claim. The examiner will assume for the purposes of
11 searching prior art, that claim 7 was meant to depend from claim 6 instead of claim 3.

12 Claim 8 recites “the checking username” which lacks antecedent basis in the claim. The
13 examiner will assume for the purposes of searching prior art that this limitation was meant to
14 read "the checking identifier".

15 Claim 9 recites “the message identifier” which lacks antecedent basis in the claim. The
16 examiner will assume for the purposes of searching prior art that this limitation was meant to
17 read "the message username".

18 Claim 10 recites “system in accordance with claim 8”, while claim 8 is a method claim.
19 The examiner will assume for the purposes of searching prior art, that claim 10 was meant to
20 depend from claim 9 instead of claim 8.

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1 Claim 11 recites “in that the **encryption and decryption** devices are the public/private
2 key type”, which lacks antecedent basis in the claim. The examiner will assume for the purposes
3 of searching prior art, that claim 11 was meant to depend from claim 10 instead of claim 9.

4 Appropriate correction is required.

5

6 ***Claim Rejections - 35 USC § 101***

7 35 U.S.C. 101 reads as follows:

8 Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
9 any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
10 requirements of this title.

11 Claims 1-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed

12 to non-statutory subject matter. The claims are directed to a "system", a "method", and a
13 "device". Appellant's specification, page 10, lines 6-8, provides intrinsic evidence through
14 examples that Appellant intends for such system, method, and device to include embodiments
15 which are "totally software, totally hardware or mixed." In the event that the claims are intended
16 to be limited to a combination of hardware and software, or totally hardware, it is believed that
17 the claims in question would be directed to patent-eligible subject matter (statutory). However,
18 no such evidence that the embodiment covered by the claims in question is limited to inclusion
19 of such hardware elements exists. Absent recitation of the hardware, the claims appear devoid of
20 any physical articles or objects which may cooperate to achieve some function, and as such are
21 not directed to a machine. Likewise, absent any such physical article or object, they cannot be
22 directed to a manufacture. They are clearly not a composition of matter. Therefore, the claims
23 in question do not appear to fall within a statutory category of invention as set forth in 35 USC
24 101.
25

1 ***Claim Rejections - 35 USC § 102***

2 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
3 basis for the rejections under this section made in this Office action:

4 *A person shall be entitled to a patent unless –*

5
6
7 *(e) the invention was described in (1) an application for patent, published under section
8 122(b), by another filed in the United States before the invention by the applicant for patent or
9 (2) a patent granted on an application for patent by another filed in the United States before the
10 invention by the applicant for patent, except that an international application filed under the
11 treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
12 application filed in the United States only if the international application designated the United
13 States and was published under Article 21(2) of such treaty in the English language.*

14
15
16 Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Vincent (US
17 Patent Application Publication 2003/0069967).

18 Regarding claim 1, Vincent disclosed a method for security verification of a message
19 (Vincent Paragraph 0045 request message) transmitted and received in electronic form which: on
20 the transmitting side comprises the steps of associating with the message for its subsequent
21 security verification a univocal message identifier (unique nonce) and an identifier (Vincent
22 Paragraph 0045 Signed partial response) for checking the identity of the message owner with the
23 checking identifier being obtained by applying to the univocal message identifier a coding
24 associated with the owner of the message to be transmitted (Vincent Paragraph 0045), and on the
25 receiving side for security verification of a received message (Vincent Paragraph 0046)
26 comprises the steps of: verifying and signaling the fact of having or not having received a
27 message previously with the same univocal message identifier associated (Vincent Paragraph

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1 0046 Lines 4-19), applying a decoding associated with a supposed owner of the received
2 message to the checking identifier of the owner associated with the received message (Vincent
3 Paragraph 0046 Lines 19-24), and ascertaining and signaling the agreement or not between the
4 univocal message identifier associated with the received message and the result of said decoding
5 of the checking username (Vincent Paragraph 0046 Lines 19-31).

6 Regarding claim 9, Vincent disclosed a system for a safety verification of a message
7 transmitted and received in electronic form and comprising: on the transmitting side: a univocal
8 message username generator (Vincent Paragraph 0045 generates a unique nonce value), an
9 encoding device which receives the message username produced by the generator and codifies it
10 in accordance with a code associated with the owner of the message to be transmitted to obtain
11 therefrom an identifier for checking the identity of the message owner (Vincent Paragraph 0045
12 Signing the nonce with the private key), transmission means which associate with the message to
13 be transmitted the checking identifier and the univocal message identifier obtained (Vincent
14 Paragraph 0045), on the receiving side for security verification of a received message: a control
15 device which verifies and signals that the message identifier associated with the received
16 message has or has not been received previously (Vincent Paragraph 0046 Lines 4-19), a
17 decoding device which receives the owner checking identifier associated with the received
18 message and applies thereto a decoding associated with a supposed owner of the received
19 message (Vincent Paragraph 0046 Lines 19-24), verification means which ascertain and signal
20 the agreement or not of the univocal message identifier with the result of the decoding of the
21 checking username (Vincent Paragraph 0046 Lines 19-31).

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1 Regarding claim 12, Vincent disclosed a device for association of security verification
2 factors with a message transmitted in electronic form characterized in that it comprises: a
3 univocal message username generator (Vincent Paragraph 0045 generates a unique nonce value),
4 an encoding device which receives the message username produced by the generator and
5 encodes it in accordance with a code associated with the owner of the message to be transmitted
6 to obtain therefrom an identifier for checking the identity of the message owner (Vincent
7 Paragraph 0045 Signing the nonce with the private key), means which associate with the
8 message to be transmitted the checking identifier and the univocal message identifier obtained
9 (Vincent Paragraph 0045).

10 Regarding claims 2 and 14, Vincent disclosed that before transmission the univocal
11 message identifier and the identifier for checking the identity of the message owner are
12 assembled in a unique compound identifier (Vincent Paragraph 0045).

13 Regarding claim 3, Vincent disclosed that on the transmitting side at least the checking
14 identifier is assembled with the message and transmitted therewith (Vincent Paragraph 0045).

15 Regarding claim 4, Vincent disclosed that the assembling takes place by inserting the
16 message identifier in the message and applying the coding to the result of the insertion (Vincent
17 Paragraph 0045).

18 Regarding claim 5, Vincent disclosed that on the transmitting side, with the message to
19 be transmitted is also associated an owner identifier (Vincent Paragraph 0045 private key) and on
20 the receiving side the decoding to be applied is selected from among a plurality of possible
21 decodings on the basis of the owner identifier associated with the received message (Vincent
22 Paragraph 0046 Lines 19-24).

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Regarding claims 6, 10, and 13, Vincent disclosed that the coding and decoding are keyed encryption and decryption operations (Vincent paragraphs 0045-0046).

3 Regarding claims 7 and 11, Vincent disclosed that the encryption and decryption are the
4 type with public/private key (Vincent Paragraphs 0045-0046).

5 Regarding claim 8, Vincent disclosed that ascertainment of the agreement between
6 univocal message identifier associated with the message received and the result of the decoding
7 of the checking username consists of verifying the sameness between said univocal message
8 identifier and the result of the decoding of the checking username (Vincent Paragraph 0044).

Conclusion

10 Claims 1-14 have been rejected.

11 The prior art made of record and not relied upon is considered pertinent to applicant's
12 disclosure.

13 Any inquiry concerning this communication or earlier communications from the
14 examiner should be directed to MATTHEW T. HENNING whose telephone number is
15 (571)272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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1 Information regarding the status of an application may be obtained from the Patent
2 Application Information Retrieval (PAIR) system. Status information for published applications
3 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
4 applications is available through Private PAIR only. For more information about the PAIR
5 system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR
6 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would
7 like assistance from a USPTO Customer Service Representative or access to the automated
8 information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9

10
11 /Matthew T Henning/
12 Examiner, Art Unit 2431
13
14